

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
4 BOARD OF BARBERS AND HAIRDRESSERS

5  
6 MINUTES OF MEETING  
7 August 13, 2020  
8

9 THESE MINUTES MAY NOT REFLECT THE LATEST GUIDANCE ON MANDATE 16. PLEASE CHECK THE  
10 BOARD'S WEB SITE FOR THE LATEST GUIDANCE ON COVID-19 REOPENING REQUIREMENTS.  
11

12 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62  
13 Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held via teleconference and  
14 videoconference and at State Office Bldg., 8<sup>th</sup> Floor, Conference Room B, August 13, 2020.  
15

16 **Item 1. Call to Order/Roll Call**  
17

18 The meeting of the Board of Barbers and Hairdressers was called to order by Jennifer Lombardo, Chair at  
19 4:31 p.m. Members present were:  
20

21 **Item 1. Roll call**  
22

23 **Board Members Present, constituting a Quorum:**  
24

25 Jennifer Lombardo, Industry License, Tattooist, Chairperson  
26 Michelle McMullin, Nail Technician  
27 Terriann Shell, Public Member  
28 Z. Blake Thomas, Tattooist/Body Piercer/Permanent Cosmetic Colorist  
29 Vershawn Idom (Shawn), Barber  
30 Cheryl Brantley, Hairdresser  
31 VACANT, Hairdresser/Esthetician  
32

33 **Present from the Division of Corporations, Business and Professional Licensing were:**  
34

35 Cynthia Spencer, Acting Records & Licensing Supervisor  
36 Wanda Whitcomb, Licensing Examiner  
37 Sher Zinn, Regulation Specialist  
38

39 **Members of the Public Present:**  
40

41 Sue Shroy, Instructor  
42

43 **Item 2. Review/amend agenda**  
44

45 Board Chair, Jennifer Lombardo requested the board review the approved agenda and provide any  
46 amendments. Hearing no requests for amendments; the agenda was approved.  
47

48 **Item 3. Ethics Disclosure**  
49

50 The Board reviewed the provided ethics information. There were no ethics violations reported.  
51  
52

53 **Item 4. Regulation Projects: Approve for Public Notice**

- 54
- 55 i. 12 AAC 09.002, 09.005, 09.020, 09.025, 09.030, 09.035, 09.038, 09.056, 09.060,  
56 09.065, 09.070, 09.075, 09.095, 09.105, 09.106, 09.170, 09.900, 09.930
- 57
- 58 ii. 12 AAC 09.050, 09.130, 09.160, 09.161, 09.163, 09.190, 09.990
- 59

60 Ms. Lombardo stated that Cynthia Spencer had emailed the regulation project out to board members for  
61 review and asked if anyone had questions, concerns, or comments.

62

63 Sher Zinn informed the board that she had conferred with Dept. of Law, Assistant Attorney General,  
64 Harriet Milks regarding if the board can require an out of state applicant by waiver of exam to pass a  
65 practical exam. Ms. Zinn stated that Ms. Milks had responded that the board couldn't make this a  
66 requirement as it would be holding these types of applicants to a more stringent standard than "by  
67 examination" applicants. Ms. Zinn went on to state that based on this conversation, exam requirement  
68 for "by waiver of exam" applicants had been removed from this packet

69

70 The board briefly discussed requiring a proficiency examination for "by waiver of exam" applicants and  
71 agreed it would be an additional barrier to licensure and an additional cost to these types of applicants  
72 as they would be required to find a school or Instructor that would be willing to administer a proficiency  
73 exam. The board agreed that proof of passing an examination or proficiency examination would be  
74 required by either a license verification/certification or official transcripts from the applicant's school or  
75 apprenticeship program.

76

77 Ms. Lombardo asked Ms. Zinn if a written examination or its equivalent would still be required for "by  
78 waiver of exam" applicants. Ms. Zinn replied that a written examination would still be required.

79

80 Ms. Zinn informed the board that they would have two options for public noticing which she would  
81 provide later in the meeting and asked the board to state which option they would prefer within the  
82 motion.

83

84 Ms. Lombardo asked if there were any other questions, concerns or discussion on this project.

85

86 Michelle McMullin stated that she felt the board was on the right path so it's just a matter of getting this  
87 project out for public noticing and wait to hear and read comments from the public.

88

89 Cheryl Brantley agreed with Ms. McMullin and added that that as long as everyone is held to the same  
90 standards there should be no problems. Ms. Brantley also stated that she sees a lot of salons require a  
91 haircut and color demonstration as part of their hiring process for in and out of state licensees, so  
92 removing the practical examination should make no difference for students/apprentices or any other  
93 licensee.

94

95 Ms. Lombardo asked for any further discussion; hearing none Ms. Lombardo asked Ms. Zinn if she had  
96 anything else to add.

97

98 Ms. Zinn requested that the board review and read the emailed Regulations FAQ worksheet and talking  
99 points to address reasons driving the removal of practical examination requirements that Ms. Spencer  
100 had emailed to board members.

101

102 Ms. Spencer informed the board that the Regulation FAQ worksheet had some of the required  
103 information completed, however, Ms. Lombardo would need to complete the form after the meeting  
104 and email it back to Ms. Zinn.

105 Ms. Lombardo stated she would read the information, however if anyone wanted to expand on any of  
106 the statements, to please jump in.

107

108 Ms. Lombardo stated that the board was seeking to remove the State Board Practical examination for  
109 the following reasons.

110

- 111 • In line with the governor's right touch regulation program, by removing extra barriers for  
112 licensure that don't necessarily just focus on health and safety.
- 113
- 114 • Legislative body requested the board carefully consider the option of self-testing for the various  
115 vocations regulated by the board in 2001.
- 116
- 117 • The practical examination is subjective and doesn't necessarily test on modern techniques. So  
118 it's something that is not necessarily going to be testing for health and safety, necessarily. It's  
119 mostly just style and some of the styles are quite outdated
- 120
- 121 • Numerous complaints and from candidates, schools, and instructors regarding exam
- 122
- 123 • Exam proctor scoring inconsistencies are varied to the point that proved the practical  
124 examinations subjective myth.
- 125
- 126 • Cost savings to candidates, licensees, and the board
- 127
- 128 • Doesn't necessarily make our candidate more successful in their field and as once they're  
129 coming out of their apprenticeship programs or their schools.

130

131 Shawn Idom stated he agreed with Ms. Lombardo.

132

133 Ms. Lombardo asked the board if they would like further discussion. Hearing none, Ms. Lombardo  
134 requested Ms. Zinn continue with the regulation packet review.

135

136 Ms. Zinn reviewed the drafted definition of proficiency examination, 12 AAC 09.990(a)(11) and the  
137 remaining drafted regulations.

138

139 The board agreed the definition, as written, was great and briefly discussed the remaining drafted  
140 regulations.

141

142 Ms. Zinn provided the following two options for public notice comments.

143

- 144 1. Have the written public comment period end before the oral comment period, allow for oral  
145 comments first thing in the morning on October 5 of the first day of your meeting, then consider  
146 adoption October 6.
- 147
- 148 2. Have the written comment period run all the way through the October 5-6 board meeting;  
149 accept oral comments October 5, then have a special teleconference, three or four days after  
150 the end of the comment period to consider adoption.

151

152 Ms. Zinn informed the board that the reason option two may want to be considered is if someone after  
153 oral comments thought of something else they would like to add they would still have the opportunity  
154 to submit written comments.

155

156 Ms. Lombardo asked if submitting the public notice now would allow a 30-day written comment period  
157 before the October meeting.

158

159

160 Ms. Zinn stated that she would like to have the notice out by next Wednesday or Thursday and allow the  
161 written comment period to end September 29; this would allow for an extended written comment  
162 period of about 41 days and time to compile written comments for the board to review prior and/or  
163 during the October meeting.

164

165 The board briefly discussed the two public noticing options and agreed that option one was the best  
166 choice; ending public comment September 29, accepting oral comments October 5 and considering  
167 adoption October 6. The board also agreed that allowing a longer written comment period was a good  
168 idea due to this being such a hot topic.

169

170 Ms. Lombardo asked the board if they would like further discussion on the drafted regulations project.  
171 Hearing none, Ms. Lombardo requested a motion be made to approve public noticing.

172

173 Ms. Shell stated she would make the motion, however wanted to reiterate the boards reasoning for  
174 removing the practical examination requirements prior to making the official motion. Ms. Shell stated  
175 the following.

176

- 177 • Practical exam is outdated and subjective
- 178
- 179 • Additional costs to candidates/applicants
- 180
- 181 • Additional barriers for licensure
- 182
- 183 • Doesn't impact health and safety
- 184
- 185 • In line with Governor Dunleavy's right touch regulations process
- 186
- 187 • Often Generates complaints
- 188

188

189 Ms. Shell went on to state, the board would like both written and oral comments, close the written  
190 comment period September 29, and accept oral comments the morning of the October 5, 2020 meeting.

191

192 **On a motion duly made by Terriann Shell, seconded by Michelle McMullin, and**  
193 **approved by roll call vote, it was**

194

195 **RESOLVED to approve the draft regulation 12 AAC 09.002, 09.005, 09.020, 09.025,**  
196 **09.030, 09.035, 09.038, 09.056, 09.060, 09.065, 09.070, 09.075, 09.095, 09.105,**  
197 **09.106, 09.170, 09.900, 09.930, 09.050, 09.130, 09.160, 09.161, 09.163, 09.190,**  
198 **09.990 for public noticing allowing amendments/edits/revisions made by the**  
199 **Regulation Specialist and the Department of Law as needed; allowing for written**  
200 **and oral comments, and sending notices to instructors, schools,**  
201 **students/apprentices of all types.**

202

203 Ms. Lombardo asked the board if they would like any further discussion.

204

205 Ms. Spencer asked the board to state who they would like this public notice sent to.

206

207 The board stated they want the public notice to be sent to Instructors, schools, and student/apprentices  
208 of all types.

209

210 Ms. Lombardo asked the board if they would like any further discussion; hearing none Ms. Lombardo  
211 requested a roll call vote.

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**Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>Not in attendance</b>
<b>Shawn Idom</b>	<b>X</b>			
<b>Terriann Shell</b>	<b>X</b>			
<b>Blake Thomas</b>	<b>X</b>			
<b>Michelle McMullin</b>	<b>X</b>			
<b>Cheryl Brantley</b>	<b>X</b>			
<b>Jennifer Lombardo</b>	<b>X</b>			

**THE MOTION PASSED BY UNANIMOUSLY.**

The board thanked Ms. Zinn for her time and assistance.

*The Board adjourned at 5:02 p.m.*

Respectfully submitted:

*Cynthia Spencer*

Cynthia Spencer, Records and Licensing Supervisor

Approved:

*Jennifer Lombardo*

Jennifer Lombardo, Chairperson  
Board of Barbers and Hairdressers

Date: 10/07/2020